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Metropolitan Telecommunications

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EX PARTE

Marlene Dortch
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

RE: Application by Verizon-New Jersey for Authorization To Provide In-Region, InterLATA Services in the State of New Jersey, WC Docket No. 02-67

Dear Ms. Dortch:

This letter is accompanied by additional support that demonstrates: (1) Verizon's OSS has significant problems; and (2) Verizon must have known (or should have known) about the existence of these OSS problems and is simply denying them at the expense of the competitive community.

In the context of OSS, MetTel has provided several different analyses to demonstrate that Verizon's systems are not actually performing as represented in provisioning and billing completion notifiers ("False Notifier Analysis").[1] It is MetTel's position that although Verizon claims that orders are in fact being timely provisioned and accurately completed on a specified completion date included in various notifiers, a significant percentage of orders are either being completed at a later time or are not being completed at all.

In an effort to capture and demonstrate its position, MetTel performs very detailed analyses comparing notifiers against other, independently verifiable criteria such as usage.[2] One such

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[1] *See* MetTel Comments, dated January 14, 2002 in Docket No. 01-347 and accompanying exhibits (errata exhibits filed January 18, 2002); Ex Parte letter to William Caton, Acting Secretary, from Anna Sokolin-Maimon and accompanying presentation summary filed February 1, 2002 in Docket No. 01-347; Ex Parte letter to William Caton, Acting Secretary, from Anna Sokolin-Maimon and accompanying presentation, filed March 14, 2002 in Docket No. 01-347;MetTel Supplemental Brief, and accompanying Declaration of Elliot M. Goldberg, dated April 8, 2002, in Docket No. 02-67; MetTel Reply Comments, dated April 19, 2002 in Docket No. 02-67; Ex Parte letter to William Caton, Acting Secretary, from Elliot M. Goldberg in Docket No. 02-67, dated April 15, 2002, Exhibit at 14-29; Ex Parte letter to William Caton, Acting Secretary, from Andoni Economou in Docket No. 02-67, dated May14, 2002, Exhibit at 16-23.

[2] MetTel's False Notifier Analysis is created from three distinct types of orders: (1) migration orders; (2) PIC Change Orders; and (3) Usage after suspension. In each case, MetTel compares notifier information to actual usage

analysis is the Migration Accuracy Analysis (also known as Zero Usage Analysis). It is on this particular issue that MetTel today provides additional evidence corroborating that the problem exists, that the problem is significant, that Verizon knows of it (or should know of it), and that Verizon merely denies its existence in an effort to obtain 271 approvals without investing the necessary resources to remedy the problem.

MetTel's Migration Accuracy Analysis attempts to capture and demonstrate that a significant number of accounts are not in fact migrated on the Provisioning Completion Notifier Completion Date ("PCN CD"). These accounts are evidenced by an absence of usage within three days of the PCN CD. MetTel has urged that the absence of usage on so high a percentage of lines was one clear indicator of systemic problems that Verizon was ignoring. MetTel first brought this to Verizon's attention by letter dated February 28, 2001.[3] Thereafter, MetTel continued, and still continues, to raise the issue as part of its False Notifier Analysis. Verizon simply ignored MetTel on this point until it became a "271" concern.

Even in this context Verizon has attempted to summarily dismiss it. It was addressed at the joint MetTel-Verizon Ex Parte on April 12, 2002. In response to MetTel's filings, Verizon essentially claimed that it investigated nearly <u>***</u> billing telephone numbers for which MetTel submitted trouble tickets.[4] Verizon's analysis did not produce a single problematic line (or was at least written in a fashion that would suggest that there was not one problem in all of these cases).[5] Verizon concluded its analysis by asserting that their "investigation demonstrated that there are valid circumstances under which a line may not generate usage within three days after a migration."[6]

Accepting the results of Verizon's investigation, FCC staff expressed difficulty in relying upon the absence of usage as an indicator for a provisioning problem. In an effort to address this, MetTel proposed that the reverse scenario—usage after Loss of Line ("LOL")—would prove the converse instance of the same problem. "Verizon acknowledged that usage going to a carrier other than the new carrier would be indicative of the existence of a migration problem. MetTel agreed to attempt to prepare an exhibit illustrating lines with usage after appearing on a Loss Of Line report." See Letter to William Caton, Acting Secretary, from Elliot M. Goldberg in Docket No. 02-67, dated April 15, 2002 at 3. MetTel has completed this analysis and the results are unequivocal and consistent with MetTel's earlier Zero Usage analysis.

MetTel analyzed all of its lines that appeared on a LOL report since January 1, 2002 through and including May 27, 2002, in New Jersey, New York and Pennsylvania. The results of MetTel's analysis are attached hereto as Exhibit A. In total, there were ***** lines that appeared on the LOL report. After our investigation we came to realize that MetTel had received usage for ***** of these lines with a record date after the LOL effective date.[7] In other words,

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(or the absence of usage in one instance) to identify whether an order was completed timely and accurately. In short, the comparison has exposed some significant problems.

[3] Letter from Elliot M. Goldberg Richard Brash and copied to William Allen and William Smith (both of Verizon) dated February 28, 2001.

[4] Letter to William Caton, Acting Secretary, from Clint E. Odom in Docket No. 02-67, dated April 15, 2002 at 6.

[5] <u>*Id*</u>.

[6] <u>*Id*</u>.

[7] To avoid further confusion of this issue by Verizon, MetTel would like to make it perfectly clear that it is not the

notwithstanding the fact that MetTel was notified that the lines were no longer with MetTel as of the effective date (which means that the "winning" carrier received a BCN with a work completion date equal to the effective date) MetTel was still receiving usage for over **31%** of those lines past the effective date.

MetTel compared the results on a state-by-state basis. In New Jersey, it appears that MetTel continues to receive usage on almost **10%** of lines that are appearing on the Loss of Line report. In New York it is over **33%** and in PA it is over **22%**. Generally, almost **17%** of the lines that show usage after the LOL effective date reflect usage more than 3 days after the LOL effective date. In New Jersey, however, almost **30%** of the lines that show usage after the LOL effective date reflect usage more than 3 days after the LOL effective date.

Significantly, MetTel recently forwarded to Verizon, in the form of a trouble ticket, some examples of lines showing usage after their LOL effective date. Verizon has acknowledged that they too see usage after the LOL effective date and that they are investigating the cause. Verizon, however, has been unwilling to discuss this issue or the PIC Change problem with MetTel.

Also significant are MetTel's Zero Usage results for the period beginning January 1, 2002 through and including May 23, 2002. That analysis, attached hereto as Exhibit B, demonstrates that over **14%** of all orders[8] migrated to MetTel did not register usage until at least three days after the alleged completion date or no usage has yet to register at all. New Jersey performance was worse than the three state aggregate with over **18%** not showing service until after the three day threshold and over **22%** showing delayed or no service. While Verizon in the past was successful in attacking MetTel's analysis, it no longer has that "luxury" as the evidence submitted herewith—Usage after LOL—unequivocally demonstrates that the problem exists.

The Usage after LOL analysis not only indisputably corroborates MetTel's previous filings, but it casts significant doubt on Verizon's alleged "investigation" of "*****" billing telephone numbers. Based on the likelihood of an existing problem, it is impossible that Verizon investigated ***** billing telephone numbers and did not recognize the problem on a single line. MetTel respectfully submits that if an investigation of this magnitude was in fact conducted, it was structured in such a superficial manner that the result of the investigation was determined prior to the commencement of the investigation. Moreover, if Verizon did not actually know about this problem they certainly should have known about this problem. In short, Verizon's response was designed to give the appearance of a significant investigation while simultaneously undermining MetTel's credibility. In this case, however, the problem was proven using a

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day that it receives the usage that determines whether there is a problem. Rather, it is the date the call is made (dialed) that determines whether there is a problem. For example: a line appears on the LOL report with an effective date of May 15, 2002. MetTel receives call records from Verizon that were made (dialed) on May 16, 17, 18, 19, 20, 21, 22 and 23. Notwithstanding the fact that Verizon is representing that they completed a service order on May 15, the order was actually completed on May 23. This is one example out of *****.

[8] This analysis is prepared on an order basis rather than a line basis. Accordingly, if a three-line account were migrated, usage on any of the three lines would be sufficient to remove the order from the problem group. Accordingly, the magnitude of the problem is greater as the number of problems calculated in terms of orders represent a significantly higher line count.

different approach and MetTel respectfully submits that Verizon should be pressed on the issue as the evidence demonstrates that this problem could not have been overlooked.[9]

The impact of our analysis today is three fold. First, it confirms that notwithstanding the issuance of "timely notifiers," the alleged work is not being timely performed. This of course creates significant operational and service related issues for the carrier. Without reliable information, the problems are sometimes impossible to resolve and always extremely costly. Moreover, Verizon is artificially satisfying its PAP measurements by prematurely issuing notifiers at the expense of the industry. In this regard, Verizon has been able to amass numerous 271 authorizations on only a self-created pretense of success. Finally, the fact that usage is being misdirected to the wrong carrier means that the "winning" carriers are losing revenue and the "losing" carriers are incurring an unnecessary expense. In a fully competitive market hundreds of millions of call records and millions of dollars are being incorrectly exchanged and invoiced. This is one classic example of Verizon's wholesale attitude and its impact on the industry.

Against this background, it cannot be said that Verizon's OSS meets the checklist requirements. MetTel continues to seek relief from these problems and urges the Commission to deny Verizon's application until such time as these issues are squarely addressed and resolved.

Respectfully submitted,

Andoni Economou

Attachments

[9] Similarly, Verizon has avoided a joint review of MetTel's PIC Change analysis, which also unequivocally demonstrates that significant OSS problems persist. MetTel respectfully submits that Verizon has known about this problem as well and has not done anything to remedy the problem. In the context of their 271 application, Verizon has attempted to stay as far away from this issue as possible. After our April 12, 2002 meeting with FCC staff, MetTel provided Verizon with numerous examples (and all of the supporting data) to demonstrate that the problem exists. Verizon complained that MetTel provided too much data, or that the data was outdated.

Verizon has also claimed that they have been researching this issue but to date have refused to turn over any of their results notwithstanding empty promises that the results are forthcoming. On a May 16 conference call, Verizon complained about the voluminous nature of the data provided. MetTel and Verizon agreed to work from a smaller sample. Within an hour of that agreement MetTel forwarded 20 examples, with all of the supporting data, so that the parties could quickly reconvene. On May 31, Verizon, while indicating that there may be a problem, complained that each example required a lot of investigating and that they could not commit time for review until the week of the 8th (and even in that case no specific date was given.)

MetTel respectfully submits that Verizon has identified a problem and is simply avoiding this issue. Verizon's position that they are unable to investigate 20 problems is incredible. MetTel requests that the Commission should not tolerate these delay tactics and compel Verizon to share its results and provide MetTel with ample opportunity to respond. As demonstrated in the main text of this Ex Parte. Given an opportunity, MetTel will demonstrate that Verizon's responses do not squarely deal with the issues.